

## STAFF REPORT

**To:** Southern Shores Planning Board  
**Date:** January 14, 2019  
**Case:** ZTA-18-09  
**Prepared By:** Wes Haskett, Deputy Town Manager/Planning Director

### GENERAL INFORMATION

**Applicant:** Town of Southern Shores

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming

### ANALYSIS

Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming. The purpose of the ZTA is to further address the sale and development of legally nonconforming lots as established in ZTA-18-07 which was adopted by the Town Council on September 5, 2018. At the September 17, 2018 Planning Board meeting, the Planning Board agreed that further amendment of the language adopted in ZTA-18-07 was necessary in order to address scenarios which involve a nonconforming lot adjacent to two nonconforming lots that contain a single-family dwelling based on public comments.

At the December 17, 2018 Planning Board meeting, the Planning Board agreed that further amendment of the language adopted in ZTA-18-07 was necessary in order to address scenarios where a nonconforming adjacent to a conforming lot that was recombined within the last few years with the intent of complying with the Town Code. The new proposed language in ZTA-18-09 would allow for the development of a nonconforming lot that is not under the same ownership as any adjacent lot or if the lot is located adjacent to land under the same ownership on which is located an existing single-family dwelling, and the adjacent land is made up of:

- No more than two lots all of which are nonconforming; or
- A single conforming lot that was created after January 1, 2015 due to a recombination of two (2) previously nonconforming lots.

If a currently nonconforming single lot meets the requirements of subsection (a)(1)(i) or (ii) then the lot may be sold without being recombined with the remaining land if required by subsection (a)(2). The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density residential community comprised of single family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

### **RECOMMENDATION**

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends that the Board consider this when making its recommendation to the Town Council. Please note that prior to adopting or rejecting any zoning amendment, the Planning Board shall adopt a statement describing whether its action is consistent with the adopted Town Comprehensive Land Use Plan and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.